

## **REMARKS**

The Office Action dated November 7, 2006 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1-5 are canceled, claim 6 has been amended and claim 9 is added.

### Rejections under 35 USC §102

Claims 6-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Truitt et al (U.S. Patent 5,762,805). The Office Action states that Truitt shows

a controller 102 connected to receive a pressure signal from said sensor 83 and to control a rate of flow of said pump 52 ... to maintain a constant pressure in said arterial blood line by regulating a speed of said pump in response to said pressure signal.

The office action cites the specification at Col. 3, line 59 — Col. 4, line 27, lines 32-44, Col. 5, lines 47-61, Col. 6, lines 12-15, 43-60. Truitt fails to show the recited features of claim 6 at the cited portions of the specification nor anywhere else therein. In particular, Truitt fails to show:

a sensor configured to sense pressure in said non-blood side of said filter, and a controller ... to maintain a constant pressure in said arterial blood line by regulating a speed of [an arterial] pump in response to said pressure signal

The pressure sensor 83 supplies a pressure signal indicating the pressure of the dialyzer secondary (non-blood) pressure to a controller. The pressure signal 83 is indicated to be used for monitoring the filter and the circuits, but is nowhere shown to be used as required by the quoted claim portion. New claim 9 includes the recitation, “a controller with a sensor to detect pressure on the filter non-blood side and to vary a rate of flow of the pump such that a constant predefined pressure is maintained in the arterial blood line,” which defines a limitation that is also not shown by Truitt.

Claim 6 was amended to correct the lack of antecedent basis for the term “waste.”

For the foregoing reasons, Applicants contend the rejection of claim 6 as being anticipated by Truitt was error.

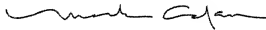
### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this Application and the prompt allowance of at least claims 6-9.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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